

Response to Objections to Priority made in paragraphs numbered 4 and 5 of the Office Action

With regard to the objection made regarding inconsistencies in the claim for priority, Applicant respectfully submits that all of the conditions for receiving the benefit of an earlier filing date have been complied with. Specifically, Applicant amended the first sentence of the specification by this Response and Amendment to contain a specific reference to a prior provisional application. Applicant respectfully submits that the specific reference to a prior-filed provisional patent application can be fulfilled by including the specific reference in an application data sheet or the specification as stated in 37 CFR 1.78(a)(2)(iii) and/or 37 CFR 1.78(a)(5)(iii). Applicant submits that a specific reference was included in the application data sheet filed on November 16, 2001 and that the application data sheet is part of the patent application as stated in 37 CFR 1.76(a). Applicant submits that this claim for priority was acknowledged on the Filing Receipt mailed by the U.S. Patent Office on December 4, 2001. Thus, a petition under to accept an unintentionally delayed claim for priority is not required. Notwithstanding the above, Applicant reserves the right to file such a petition if this matter is not decided in Applicant's favor.

Response to Objections to Drawings made in paragraph numbered 6

With regard to the objection made regarding inconsistencies between the Figures and the description of the Figures, Applicant has amended the description of the Figures in the specification on page 7 to clarify that Figure 1 is a partially cut away view and that Figure 2 is an enlarged portions of a topsheet as correctly pointed out by the Examiner. Applicant submits that the amendments to the specification abrogate drawing corrections. Thus, corrected drawings are not required to avoid abandonment of the present patent application.

Response to Objections to the Description made in paragraphs numbered 8 and 9

With regard to the objection to the Abstract made in paragraph number 8 of the Office Action, Applicant hereby amends the Abstract in this Response. Applicant submits that the new amended Abstract is in proper form.

With regard to the objection to the disclosure made in paragraph number 9 of the Office Action, Applicant submits that Applicant has amended the Description in this Response to remove the informalities pointed out by the Examiner.

Response to Objections to the Claims made in paragraph numbered 10

Applicant respectfully submits that Applicant has amended the claims in this Response to remove the informalities pointed out by the Examiner.

Response to Rejections under 35 U.S.C. § 102 made in paragraphs numbered 12 and 13

Claims 14-16, 18 and 20-22 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent no. 3,585,998 to Hayford (hereinafter Hayford). Independent Claim 14, dependent Claims 15, 16, 18 and 20-22 and new Claims 44-77 are directed to absorbent articles that comprise a topsheet and a medicinal composition applied in discrete segments on a surface of the topsheet. Hayford does not disclose a substrate including a medicinal composition applied in discrete segments on the topsheet. Hayford discloses rupturable capsules that encapsulate baby oil that are coated onto a liner. Applicant respectfully submits that rupturable capsules are not discrete segments and are not applied to a substrate as discrete segments. Discrete segments are not capsules and differ from capsules in many ways. For example, discrete segment can be applied directly to a substrate as a melted composition with a piezo jet, drop-on-demand printer, ink-jet printer or other printing apparatus. Capsules are small rupturable containers, usually thin walled containers, that encapsulate a substance, for example baby oil. The capsules described by Hayford are applied to a substrate either during formation of the substrate, in which case the capsules are entrapped in the matrix of the substrate (col. 4, lines 41-48) and are not on the surface of the substrate, or by coating or spraying. The capsules are preferably applied to a substrate with the aid of a binder or adhesive. The rupturable capsules disclosed by Hayford cannot be applied directly to a substrate as a melted composition because the capsule walls would melt releasing the baby oil contained within the thin walls of the capsules. Thus, Applicant contends that the rejection under 35 U.S.C. § 102 over Hayford is improper and should be withdrawn.

Response to Rejections under 35 U.S.C. § 102/103 made in paragraphs numbered 14, 15 and 16

Claims 17 and 19 stand rejected under 35 U.S.C. §102/103 as being anticipated or obvious over Hayford and under 35 U.S.C. §103 as being obvious over Hayford in view of U.S. Patent no. 6,153,209 to Vega et al. and International Publication no. WO 00/64500 to Krzysik et al. Hayford does not disclose, teach or suggest a substrate including a medicinal composition applied in discrete segments on the topsheet as discussed above. Vega and Krzysik also fail to disclose teach or suggest a substrate including a medicinal composition applied in discrete segments on the topsheet. Applicant submits that rupturable capsules are not discrete segments. Thus, Applicant contends that the rejection under 35 U.S.C. § 102/103 over Hayford and under 35 U.S.C. § 103 over Hayford in view of Vega and Krzysik is improper and should be withdrawn.

Response to provisional double-patenting rejections made in paragraphs numbered 17, 18 and 19

In the Office Action mailed October 10, 2003, Claims 14-22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 12-17 and 20-23 of copending Application No. 09/990,686. The rejection is respectfully traversed to the extent that it may apply to the present claims.

Applicant notes the Examiner's provisional rejection, but submit the rejections are premature as both the present application and each of the copending applications are still in prosecution. If at the time the claims of the present invention are ready for issuance, the Examiner's rejection is made non-provisional, then Applicant will consider terminal disclaimers; however, as above, until that time the Examiner's rejections are considered premature.

Common ownership of the present invention and patent application and the inventions of Application No. 09/990,686 and 09/991,185

Applicant submits that the inventions of the present patent application and that of copending Application No. 09/990,686 were commonly owned at the time of the invention.

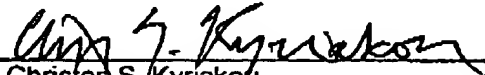
Conclusion

For at least the reasons, stated about it is respectfully submitted that all of the currently pending claims are in form for allowance. Accordingly, Applicants respectfully request the Examiner to withdraw the pending rejections and promptly issue a Notice of Allowance. Should any questions arise with regard to this application the Examiner is encouraged to contact the undersigned at (770)-587-8620.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8620.

Respectfully submitted,
JAMESON ET AL.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Christos S. Kyriakou, hereby certify that on April 12, 2004 this document is being transmitted to the Commissioner for Patents via the U.S. Patent and Trademark Office's centralized facsimile number (703) 872-9306.

By: 
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